Afghanistan Ten Years on:  
Statebuilding and the Elusive Peace

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Introduction

A decade has passed since statebuilding began in Afghanistan after the US led intervention to oust the Taliban in 2001. During the past several years it has not been an easy exercise emerging from the war torn society to engage in disarmament, demobilization, reinsertion and reintegration together with security sector reforms. Afghanistan can be considered as a prime case study where major peacebuilding agencies began emphasizing on construction or strengthening legitimate governmental institutions or what is called “statebuilding ” in order to build peace in that country. United Nations is experimenting its light footprint approach in post conflict peacebuilding in Afghanistan. This ambitious statebuilding program for sustainable peace in Afghanistan so far has been a costly task more expensive to some than to the others.

Already in preparation for the forthcoming Presidential elections in the United States, the government is talking about America’s retreat from Afghanistan. Both in the US and in France the incumbents want to campaign as the men who are bringing the boys home. Afghan exercise (statebuilding and peacebuilding) cost the American taxpayers $119 billion in 2011.¹ The US Secretary of Defense on February 1st 2012 announced that he hoped American troops in Afghanistan would be able to withdraw
from combat to an ‘enabling’ role soon after the middle of next year, which would be 18 months earlier than the existing plan, it seems that US President is now bent on a speedy withdrawal while pursuing negotiations with the Taliban. The burning of the Koran at a US Military base that sparked off the recent chain of violence only highlights that the involvement in that country without an understanding of its tribal culture and ethnic tensions has been a failure. It seems that Afghanistan is once more becoming a haven for Taliban terrorists.

America’s main ally in South Asia since Post World War II, Pakistan; is now considered as hostile in most American writings on Afghanistan. Since the capture of Osama Bin Laden near an elite military academy in Abbottabad in May 2011, Pakistan’s relations with US deteriorated. These turn of events have put the Pakistan’s civilian government under undue pressure from its army in the months leading up to its national election. There is great tension between the Pakistan’s ruling People’s Party of Pakistan and its army. Already the Pakistan Supreme Court has found fault with the Prime Minister’s action over an incident dubbed as Memogate. Further in the regional context, Iran, its neighbor to the west facing the threat of international trade sanctions, is watching very closely the actions of external actors especially the western involvement in Afghanistan where it plays major role having close religious ties with the minority Shia Muslims.

South Asia is a region of high and relatively young population. Its growing economies are markets for trade and investment. With its budding and also the biggest democracy, issue of disarmament (with two nuclear powers) plays a significant role in world peace. The success of Afghanistan’s statebuilding is of vital importance to South Asia. The current insurgency in Afghanistan, the safe heaven it continues to provide the terrorists is undoubtedly a threat to region’s stability as well as to world peace. Therefore, it is time to look back on statebuilding in Afghanistan, its successes and failures. What lessons can be learned from the last 10 years of work by the international community with billions of donor money invested but with the essential

\[2 \text{ CNN News, December 24, 2011.}\]
element of peace is absent so far, what holds for the future in peacebuilding.

1 Defining Statebuilding

What is statebuilding? To answer this I have used three definitions that have emerged in the recent peace literature and development aid donor studies. Since statebuilding involves foreign aid, the definition of the Organization of Economic Cooperation and Development (OECD) deserves attention first. In OECD/DAC (Development Assistant Committee) discussion paper issued in 2008 titled “Concepts and Dilemmas of statebuilding in Fragile Situations: From Fragility to Resilience,” OECD define statebuilding as follows:

Statebuilding is a purposeful action to develop the capacity, institutions and legitimacy of the state in relation to an effective political process for negotiating the mutual demands between state and societal groups. Legitimacy will be a principal outcome of the effectiveness of such a process over time, although legitimacy may also be embedded in historical identities and institutions. Together, capacity and resources, institutions, legitimacy and an effective political process combine to produce resilience. Successful statebuilding will almost always be the product of domestic action, but it can be significantly enabled by well-targeted and responsive international assistance.³

OECD places particular emphasis on state-society negotiations. The fact statebuilding strategies need to appreciate that states are comprised of more than formal institutions. To understand any contemporary state requires understanding the historical movements and moments that have shaped it, recognising that the nature of the state is dynamic, and appreciating that the bargains and relationships that affect comparative weakness, fragility or failure are continually shifting and renewing.⁴

Second definition I selected is from Charles T. Call and Elizabeth M. Cousens

⁴ Ibid.
in *Ending Wars and Building Peace* in (2007) define statebuilding as actions undertaken by international or national actors to establish, reform, or strengthen the institution of the state and their relation to society (which may or may not contribute to peacebuilding).\(^5\)

Finally I selected the definition of Roland Paris and Timothy D. Sisk in *Dilemmas of Statebuilding* (2009) refers to postwar statebuilding as strengthening or construction of legitimate governmental institutions in countries that are emerging from conflicts.\(^6\)

There are some debates on the terms associated with post-war actions relating to establishment of peace in a region/country.\(^7\) The OECD categorically says state building is neither peacebuilding nor nation building. The Peace literature differs here, while defining statebuilding it does not clearly say that statebuilding is not peacebuilding. Though Roland Paris and Charles T. Call and Elizabeth M. Cousens says statebuilding is not peacebuilding. Some others argue that it is the same thing. Michael Barnett and Christoph Zurcher say that peacebuilding is statebuilding. Ultimately, peacebuilding aims at building: human security, a concept which includes democratic governance, human rights, rule of law, sustainable development, equitable access to resources, and environmental security. This multidimensional and highly intrusive undertaking involves a reconstruction of politics, economics, culture, and society, leaving no stone unturned. Standing behind peacebuilding is statebuilding.\(^8\)

According to the above definitions, one thing they all agree on is that statebuilding is not nationbuilding, although statebuilding could be peacebuilding. Further they all discuss dilemmas of statebuilding. Since it is my intention to discuss Afghanistan’s statebuilding and the dilemmas associated with it in order to shed light on the obstacles to achieving sustainable peace all of the definitions discussed above


serve the purpose.

2 United Nations Light Footprint Approach and Bonn 2001

At the defeat of Taliban as a result of the US led operation Enduring Freedom in 2001, a conference took place in Bonn to map the future of the Afghanistan. Eighteen countries acted as observers including Afghanistan’s neighbours. After nine days of intensive negotiations, the UN sponsored talks in Bonn culminated in the signing of an agreement on a provisional arrangement in Afghanistan, pending the re-establishment of permanent government institutions. The Bonn 2001 Agreements officially negotiated and signed under the auspices of the UN endorsed by United Nations Security Council (UNSC) outlined the work of statebuilding in Afghanistan targeting the international community’s twin goals in Afghanistan; statebuilding and peacebuilding.

In the aftermath of 9/11 attacks on the United States the motive of statebuilding in Afghanistan was to combat international terrorism, building state as antedote to reversion of warfare as stated by Francis Fukuyama. It must be noted here that the Bonn agreements were victor’s agreement and not a peace agreement. The Bonn agreement did not include a peace agreement with the Taliban. Also the defeated Taliban were not invited to participate at Bonn discussions since Afghan negotiators to Bonn were selected by the US and not the UN.

Though weak and highly fragmented after 23 years of war, Afghanistan still had state institutions or previous experience of such institutions. Therefore, the Bonn 2001 conference decided that the statebuilding in Afghanistan would be nationally led with international cooperation and funding. The Bonn participants also agreed on Afghanistan statebuilding to be done in the way of new approach adopted by the United Nations (UN) the previous year (Brahimi Report, 2000) on Post Conflict Statebuilding in the manner of “Light footprint.” The Brahimi report released in
October 2000 provides the main frame of reference for discussion and reform of peacekeeping capacities within the UN, where the UN secretariat successfully argue for a more modest role in the ‘means’ and ‘end’ dimension of UN operations. In making the case for a limited role UN role Lakhdar Brahimi (appointed special envoy to Afghanistan in October 2001) resisted calls for a large and complex peacekeeping force to be sent to Afghanistan, arguing that the council should ‘not “rush” into Afghanistan with a peacekeeping force that lacks the political and financial support required to succeed.’ Therefore the UN mission to Afghanistan in 2001 adopted the strategy, relying on Afghans with few international staff so that transitional government by the Afghans would have greater credibility.

The central principle of light footprint approach was to rely on Afghan capabilities in statebuilding, so that UN would work through the Afghan government providing more legitimacy in statebuilding with more civilians than military. It also meant no UN transitional administration in Afghanistan unlike as in the case of other peacebuilding exercises undertaken by the UN.

From mid 1988 to early 1990 The UN Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) operated in Afghanistan with staff not exceeding of 50 military observers. The United Nations Special Mission to Afghanistan (UNSMA) was established by UN General Assembly with a mandate to resume negotiations between the Taliban and the Northern Alliance in an attempt to broker a ceasefire, thus first and foremost a diplomatic mission and was supposed to be neutral between the various parties to the conflict was later directed by Lakdhar Brahimi followed by Frances Vendrell in 2000-1.

Further in March 2002 UNSC resolution 1401 established United Nations Assistance Mission in Afghanistan (UNAMA) with a mandate to full scale

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11 Ibid., p. 201.
12 Ibid., p. 185.
13 Ibid., p. 458.
implementation of Bonn agreements. The UNAMA mandate, as it developed over time, included constitutional reform, reconstruction, initiatives on gender issues, and new human rights institutions. The above are the main UN commissions operating in Afghanistan in the light footprint approach of statebuilding.

3. Statebuilding and the Democratic Process

In keeping up with the light footprint approach, the UNSC resolution 1386 authorized the establishment of International Security Assistance Force (ISAF) at the request of the Bonn signatories. Its mandate was the maintenance of security in Kabul and its surrounding areas.

The Bonn agreement included establishing institutions like the judiciary, the army and the police force, the constitutional commissions, the election commission, banking, the drug enforcement directorate and disarming and demobilization of militias, drafting of a new constitution, fighting terrorism, drugs and organized crime, repatriation and resettlement of refugees, and other related subjects. The agreement sought to find a solution to the country’s monetary crisis by authorizing the establishment of a new central bank capable of accounting procedures for the issuance of currency. For the first time Afghan authorities were to establish a human rights commission. The entire process supported to establish a multi-ethnic, fully representative government, elected through free and fair elections by the people of Afghanistan.

Thus Bonn agreement laid the foundation for statebuilding in earnest by covering the critical functions of the state of security, legitimacy, public finance and economic policy making and justice and the rule of law. The benchmarks of success would be eradication of poverty, equality, good governance, democracy, respect for human rights and a culture of non violence. These are of course very high goals even for a developed country however a middleground such as lack of recurrence of warfare

14 Ibid., p. 595.
or participatory liberal democracy would be acceptable.

Statebuilding began in earnest as outlined under the general provisions of the Bonn Agreement, with an Afghan Interim Authority (AIA) established upon the official transfer of power on December 22, 2001. Having proven the Afghan delegation of his capacity and sincerity Hamid Karzai became an acceptable candidate to Head the AIA, of course he was selected by the US and supported by Pakistan. The main task of AIA was to convene an Emergency Loya Jigra (ELJ) or the Grand Council of Elders usually set up to decide political and national matters of importance. It is also important to note here that the entry of women into the political life of Afghanistan for the first time took place with 200 selected were women among the 1000 strong delegates of ELJ. The task of ELJ was to select Afghan transitional administration (ATA) until the national elections were held. Behind the scene the US officials worked to ensure that former King of Afghanistan Mohammed Zabir Shah made way for Karzai to be reconfirmed as head of state at the ATA.

Next was the appointment of the Constitutional Loya Jigra (CLJ) to draft a new constitution. It convened on December 14, 2003 and used the 1964 constitution as the basis for drafting an new constitution. The 502 member CLJ presented a 162 article constitution which provides for a presidential form of government with bicameral legislature, Meshrano Jigra (upper house) and Wolesi Jigra (lower house). An independent Election Commission (IEC) was also established under the article 156 of the 2004 constitution. The constitution defined the parameters for national elections, the final stage of Bonn.

The presidential election date was set for October 9, 2004. The UNAMA was given the responsibility of the election process and supervision of the election together with United Nations Development Plan (UNDP) and together they managed all resource mobilization and donor relations for the presidential followed by parliamentary elections in 2004 and 2005. UNAMA also facilitated some two million refugees in Pakistan and Iran to vote at the Presidential elections. Hamid Karzai was

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elected President with 56% of the vote from nearly 70% of the registered voters who turned out to the polls.\textsuperscript{16}

The Bonn 2001 process ended with the parliamentary elections, the road map was successful on the above. A democratically elected government was in place. It was accomplished not merely because of military presence but also because of the willingness and commitment of the Afghan people who wanted a democratically elected government. Statebuilding commenced with the framework firmly established. The UN light footprint appeared to be working in establishing democracy in a country earlier under Taliban version of Islamic government which severely curtailed fundamental rights of people. Thus statebuilding towards sustainable peacebuilding began in Afghanistan.

4. Disarmament, Demobilization, Reinsertion and Reintegration (DDR) and Security Sector Reform (SSR)

The key to statebuilding is DDR and also key to sustainable peace in post-conflict societies is also the success of DDR. In 2001 all Afghans were war weary and the Taliban completely defeated. There was a window of opportunity to commence DDR activities. Yet Bonn agreements did not accord demilitarization a central status (keeping up with light footprint). As noted before a UNSC authorized ISAF, a non-UN led international security force to provide security for the political process until Afghan security institutions could be developed. Its presence stabilized the capital Kabul but this security was not shared by the rest of the country. The call for a greater ISAF went unheeded until August 2003 when NATO assumed control of ISAF in its first New NATO beyond European theatre operation.

The comprehensive vision of disarmament, demobilization, reintegration and reintegration (DDR) considers DDR a holistic, long-term development process rather

than a discrete and time-bound activity with disarmament as a logistical component. This vision of DDR has led some analysts and practitioners to suggest a new definition of DDR which focuses on finding alternatives for weapons possession and use, and improving community security by enhancing livelihood opportunities through social and economic investment in the community. This broader conception of DDR opens a range of options to violence reduction strategies that go beyond the physical collection of weapons.\(^\text{17}\) The fundamental goal in DDR is to breakdown military formations and reintegration to provide basic tools for former combatants to re enter civilian life. Demilitarization is the key to peacebuilding but it is a highly politically sensitive process. Hence it is a political exercise with the want of political will of all parties concerned to succeed.

In 2001, Afghanistan was insecure, fragmented and the Taliban were defeated. It was ripe opportunity to commence the DDR as the Afghans themselves were keen on demilitarization. The first donor conference to fund DDR held two years after Bonn in Tokyo 2003 titled “Consolidation of Peace (DDR) in Afghanistan - Change of Orders from Guns to Plows.”\(^\text{18}\) DDR was initiated February 2003 with Japan as the lead nation. The implementation of the programme started in October 2003 through pilot projects and became national by May 2004. DDR had two main goals: to break the historic patriarchal chain of command existing between the former commanders and their men and to provide the demobilised personnel with the ability to become economically independent - the ultimate objective being to reinforce the authority of the government.

However, DDR program in Afghanistan was never mandated to disarm the population per se or provide direct employment but to assist AMF military personnel to transition from military into civilian occupations.\(^\text{19}\) The total amount of funding was

\(^{17}\) See the Peacebuilding Initiative Website: http://peacebuildinginitiative.org/index.cfm?pageId=1818 (accessed on 4\(^{th}\) March, 2012).


$141 million out of which the lead donors Japan and US committed $91 million. It goes on record as one of the most ambitious and expensive DDR programs in history. It was named as the Afghan New Beginning Program (ANBP) project designed by the UNDP was accompanied with Disarmament of Illegal Armed Groups (DIAG) in 2004. The implementation of the ANBP was carried out by Japan and the UNDP.

July 2006 marked the end of the Disarmament, Demobilisation and Reintegration process in Afghanistan - in time and within costs (USD 141 million). In addition, as the reintegration phase was brought to an end, 25% of the ex-combatants have found a long-term and sustainable activity. The statistics show a positive picture, but did it really dismantled the military structure, improve the security or build public confidence in the state and thus establish the rule of law in the country after decades of rule of gun.

In the aftermath of Bonn Taliban appeared to be defeated but there was a delay in commencing the DDR program and as a result by 2006 Taliban reignite the insurgency from the safe havens from the border tribal areas resulting in many illegal armed groups (IAG’s) everywhere. A RAND study identified several groups of insurgents apart from the revitalized Taliban. They were the Hezb-I Islami (HiG), Haqqani network (based in Pakistan), foreign fighters and local tribes. The RAND study by Seth G. Jones also gives reasons for the emergence of insurgency as the failure in building competent and legitimate Afghan security forces. The Afghan Police which was corrupt, incompetent, under resourced and loyal to local commanders that the central government was one reason. Secondly, the local governance in the south and east ignored for security reasons. Finally the support base in Pakistan where the leaders of all groups were based was not yet eliminated.

In 2006 the insurgent attacks included suicide bombings, a tactic previously not known in Afghanistan and late May 2006 recorded the deadliest week in the

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20 Ibid.
21 Ibid.
country in five years. Taliban became strong in the provinces of Oruzgan, Hemland, Zabol and Kandhar. Resurged Taliban, Al Qaeda and HiG insurgency appeared to be to force the US military to fight the war according to the “Taliban game plan” (rise of the Taliban phoenix).  

According to Mark Sedra the failure of DDR is due to the lack of political will of Afghan government, the donor community and the local power-brokers. The key success to DDR would have been from the local ownership, which should have been carried out by local government actors with the support of and mentoring of external actors. The Ministry of Defence resisted demobilization insisting on demobilization of the reserves than full time soldiers and withdrew from the process fairly early in the process Sedra also says the design of the DDR was flawed. There was no comprehensive needs assessment nor effective monitoring and evaluation mechanism. The role of the United States too undermined the DDR when US undercut the demilitarization activities in the mobilization of militia proxies in south and east to supports its anti – Taliban operations.

It is worthy to note that Japan as the lead donor or lead nation (an arrangement that encouraged sector ownership, ensured commitment but the division of responsibility did not guarantee that donor strategies would be collaborative) undertook the DDR implementing a technically proficient program with the UNDP with Japan having no prior experience in DDR activities. Though the Ministry of Foreign Affairs Japan says that the DDR in Afghanistan is successful it does not really enlighten on the matter.

The second Tokyo conference congratulated all stakeholders on the completion of DDR in June 2006. The DDR program disarmed 63,380 ex-combatants, demobilized 62,044 and provided reintegration programs for 55,804 that also contributed to the creation of a new, unified and professional national army for

25 Ibid., p. 491.
Afghanistan. The Conference paid special tribute to those Afghan and international stakeholders who had made great efforts for the success of the DDR program. Among others, ANBP was particularly commended for the excellent service it had rendered in this regard. The Conference examined the current status of the implementation of the DIAG program. The Conference was not entirely satisfied with the progress made thus far and requested that Afghan and international stakeholders further enhance their efforts so that DIAG may be completed by the end of 2007. In particular, the Conference stressed the need for robust engagement in the DIAG process by the Afghan security organizations, namely, the Ministry of Interior, the Ministry of Defense (MOD) and the National Directorate for Security.

From the Japanese government point of view that was the end of their attempt at DDR in Afghanistan which was not a great success as the Japanese government and its taxpayers would have hoped for. A young Japanese volunteer wrote that the reintegration through vocational training, community development projects overwhelmingly concentrated on children (back to school campaigns and school reconstruction) with little attention paid to the youth.

SSR in Afghanistan encompassed five pillars. They were each managed by a lead donor country: Japan for DDR, the United States for training of the Afghan National Army (ANA) Germany for training the Afghan National Police (ANP), Italy for legal reform, and the United Kingdom for counter narcotics. ANA was created replacing the AMF which was formed at the fall of Taliban with a collection of factional militias on MOD payroll.

Although Afghanistan has a relatively long tradition of having a national army,

27 Ibid.
28 In the document titled Japan’s contribution to Afghanistan: Working in the Frontline on War and Terrorism (Ministry of Foreign Affairs, Japan 2007) there is one paragraph on DDR and another on DIAG see http://www.mofa.go.jp/region/middle_e/afghanistan/pamph0703.pdf (accessed on 4th March, 2012).
it has a much longer tradition of tribal militias. The aim of ANA was to provide the central government with a loyal and professional armed force.

In the initial stages of the process, the AIA and the United States, as lead nation, needed to decide whether to build the new ANA from scratch or to build on some of the existing structures. This decision was postponed until September 2003 when they decided to commence the process from a “tabula rasa,” meaning that all structures from the MOD to the ground units were to be built from scratch. United States encountered recruiting problems, high absentees without leave, issues with ethnic balance, and poor unit discipline and quality. But by 2005 the ANA was emerging as a success story.

By 2008 ANA has recruited nearly 79,000 soldiers, and the goal of 122,000 personnel plus an additional 12,000 in training, transient, holding, and student status seems possible, even if it is somewhat difficult. An enduring concern is the ethnic makeup of the ANA. Developing an ethnically balanced army was one of the key goals of the training program. After years of civil war and mistrust among various groups in Afghanistan, achieving an ethnic balance has been a significant challenge. A priority is to get more recruits to ANA from the Pushtun speaking parts of the south. The top leadership in ANA is currently heavy with northern Tajiks.

People of Afghanistan view the army positively. While the overall perception of security has declined recently, the ANA is seen as a positive force in providing security. Though the army is respected by most Afghans, the perception of the police is much less positive.

After years of training and other support offered by international sources under German coordination and Indian training (Indian being the fifth largest donor to Afghanistan statebuilding), by 2005 some 50,000 trained police officers were in the newly reconstructed ANP. The training improved the quality of policing, and the

31 Ibid., p. 7.
32 Ibid., p. 21.
salary increase that accompanies has improved the police morale. In the face of shortage of professional police administrators and in the maintenance of the corrupt factionalized police commanders in their posts have made ANP in comparison to ANA a much less success. Hence the ANP is seen as less well trained, frequently corrupt an often linked to human-right abuses. In a survey done in 2009 it was estimated that 60% of the ANP in Helmand province are drug addicts.\textsuperscript{34}

In his inaugural speech after his re-election in 2009, Karzai emphasized the need for ANA and ANP to take lead role in providing security and stability. In the backdrop of drawdown and transition which commenced in 2011 with the withdrawal of 10,000 American troops and a further 23,000 by the end of 2012 President Karzai sought 10 ten year strategic partnership with the US (the discussion is ongoing at present).\textsuperscript{35}

The Italian led judicial reforms and the attempt to establish the rule of law in Afghanistan was another one of the biggest challenges in statebuilding efforts in that country. The judiciary was destroyed in the 23 years of conflict and abuse of power. Instead of rule of law it was mostly the rule of gun that prevailed in the country during that period. In practice, the majority of disputes were settled by the Jigras (elders councils) using both local customs and Islamic Sharia law as the sources of law. During the Taliban period it was rough justice for most people.

Therefore, in 2001 country had only a handful of trained lawyers and little physical infrastructure with no record of country’s law. Successive regimes imposed traditional, informal justice practices most of the time for political ends with no protection of rights of the individual to a fair trial. The challenges faced in rectifying the situation were enormous in the face of insecurity, rampant corruption in bribery, and intimidation of judges and prosecutors.

The Bonn 2001 agreements saw to the establishment of independent commissions to oversee the rebuilding of judiciary (Judicial Reforms Commission),

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\textsuperscript{34} Quoted from Humera Iqbal, \textit{op. cit.}, p. 65.
\textsuperscript{35} ABC News, 22 February 2012.
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drafting of the constitution (discussed above) and monitoring of human rights (Afghanistan Independent Human Rights Commission, AIHRC). Unfortunately for the Judicial Reforms Commission, the country’s Office of the Attorney General nor the Ministry of Justice did not want to cooperate with it. The judicial reforms also suffered from the Italian initiative to depend on foreign experts unfamiliar with the Afghan context and its aim of modernizing the Afghan judiciary without due consideration paid to tribal and traditional institutions.

The process also suffered at the hands of Fazal Hadi Shinwari the 80 year old Islamic scholar who was Afghanistan’s Chief Justice from 2001 reappointed by President Karzai in 2002 (despite the stipulated age of 60 in the constitution) to 2006. The International Crisis group reported in 2003 that Sinwari placed all political allies in key positions expanding the number of Supreme Court judges from 9 to 137 with no proper educational qualifications. Since he was an ally of the Saudi- backed fundamentalist leader Abd-al-Rasul Sayyaf there was fear that the hard-liners have taken over the judicial reforms before the people could express their will in a democratic process.36

In a 2010 Report by the International Crisis Group had the following to say: Afghanistan’s justice system is in a catastrophic state of disrepair. Despite repeated pledges over the last nine years, the majority of Afghans still have little or no access to judicial institutions. Lack of justice has destabilised the country and judicial institutions have withered to near non-existence. Many courts are inoperable and those that do function are understaffed. Insecurity, lack of proper training and low salaries has driven many judges and prosecutors from their jobs. Those who remain are highly susceptible to corruption. Indeed, there is very little that is systematic about the legal system, and there is little evidence that the Afghan government has the resources or political will to tackle the challenge. The public, consequently, has no confidence in the formal justice sector amid an atmosphere of impunity. 37

37 International Crisis Group, Report on Reforming Afghanistan’s Broken Judiciary, Asia Report,
building the foundations of the rule of law has been disappointing in Afghanistan. Most women in that country lack access to justice are still severely restricted by cultural norms.

In contrast to Judicial Reforms, the AIHRC has emerged as a strong national advocate for human rights of Afghan people. It is the principal human rights body in Afghanistan. It works with the UNAMA. Though the Afghan parliament passed an amnesty law in 2007 preventing the prosecuting of past war crimes AIHRC continues it works as a strong national advocate for human rights with authority. It has worked to inform all government and non – government organizations, civil societies, and national and local media about Human Rights and formally advocated human rights principles. In 2009, the AIHRC intensified its efforts to increase its overall effectiveness and impact in the protection, promotion and monitoring of human rights AIHRC’s four year Strategic Plan (2009-2013) was developed.38

The remaining SSR issue of counternarcotics will be discussed under the Afghan economy since cultivation of opium and drug economy is at present a major agricultural activity in the country.

5. Economic Development and Public Finance

One of the major aspects of statebuilding is Economic Development and Public Finance. Afghanistan is an agricultural country and one of the poorest countries in the world. There are two main challenges to the failure in its agricultural economy. One is the weather, extreme drought conditions that occur in the country resulting in poor harvest, and the other is the cultivation of opium which had been difficult to eradicate despite the efforts of the British counternarcotics program done under SSR spending $180 million as the lead donor to eradicate the cultivation of opium where US too

spent another $120 for the same.\textsuperscript{39} The concentration has been on eradication with little input on establishing alternate livelihoods. Eradication program had negative impacts when the reduced opium supply benefitted the suppliers to profit more from higher prices. This fueled the spread of cultivation.

In the statebuilding exercise if the Afghan government can make more efforts in economic development, Afghanistan has enormous potential in agriculture, from wheat to higher-value crops including fruit and vegetables. It is world famous for melons, grapes, apricots, pomegranates, oranges, almonds, pistachios, and herbs and spices such as saffron and cumin. Nomadic Afghan communities thrive on livestock and goods such as meat, dairy products, wool and leather.

Unfortunately Afghan government has not yet been able to control the booming illicit agricultural economy based on harvesting poppies for the drug trade, with the profits financing the insurgency and violent extremism. Promoting the growth of legitimate agriculture would have positive effects including providing jobs, encouraging economic growth, and slowing the drug trade as a major source of funding for the Taliban.\textsuperscript{40} At present it is the opium cultivation and drug trafficking that constitute a large part of the country’s economic activity. Afghanistan’s illicit opium trade had an estimated value of $2.8 billion in 2009, equivalent to one-quarter of the GDP.\textsuperscript{41}

The world’s largest opium production is in Afghanistan. Then it is refined to produce more potent heroin and morphine. The illegal drug economy is a complicating factor in statebuilding where Afghan state institutions have neglected its responsibility for not providing security, border police within local administration. The nexus between drugs, insecurity, warlords, and weak government is a profound threat to statebuilding.

On natural resources, Afghanistan houses rich seams of copper, iron, gold,

\textsuperscript{39} Charles T. Call, et. al., \textit{op. cit.}, p. 326.
\textsuperscript{41} CBC News, 11 May 2011.
lithium and rare earth deposits. The first foreign power to invest in the exploration of Afghanistan’s natural resources was China. In 2008 China earned full mining rights for developing Afghanistan’s Aynak copper field. In a deal finalized in late 2011, China’s National Petroleum Corporation became the first foreign company to tap into Afghanistan’s oil and gas reserves. Chinese officials have estimated that the deal could be worth at least $700 million.\(^42\) India is the only other nation to make a significant agreement to access Afghan minerals. It won a bid granting Indian firms access to 1.8 billion metric tons of iron-ore, one of the largest untapped deposits in Asia.\(^43\)

According to the World Bank since 2002/03 the country has seen average growth rates in the double digits, but with great volatility because of its heavy reliance on agriculture. Even with an uncertain and deteriorating security situation, strong output was driven by increased donor spending – a 24 percent increase in core budget donor grants and about US$ 4 billion in off-budget donor funding – and recovery from the severe drought of 2008/09. Last year’s harvest led to agriculture output growth of 36 percent (constant 2002/03 prices) and the non-agricultural component of 14 percent. Afghanistan’s real GDP growth in 2009/10 was at 22.5 percent which was a record.\(^44\)

The ground reality is contrasting. Many Afghans live on less than $1.25 a day, and it is one of the two fragile states in South Asia and the poorest country outside Africa. Out of 187 countries in the HDI of the UNDP Afghanistan is ranked 172 in the category of the low human development category in 2011.\(^45\)

Public Finance which is taxing and spending activities of a government and their influence on the allocation of resources and distribution has been limited mainly to the external assistance given to Afghanistan since Bonn 2001. The Afghan Assistance Coordination Authority was created to track the flow of resources from

\(^{42}\) Reuters, December 28, 2011.
\(^{43}\) The Hindu, 10 October, 2011.
donors to government. The progress achieved in most aspects of public finance management so far is fragile and excessively dependent on unsustainable external capacity. A new central bank was established to oversee the monetary policy. One of the biggest challenges faced by the government is generating and self sustaining the levels of revenue.

Extremely low revenue is the biggest concern in Public Finance. Afghanistan’s revenue to Gross Domestic Production (GDP) ratio (below 5%) is one of the lowest in the world (it would be even lower if the opium economy were included in GDP), well below half the level achieved by most poor countries. Only around 8% of total budgetary spending is covered by domestic revenue. This constitutes a major constraint and liability for the country.\(^{46}\)

Taxation policy styled after the US system was introduced since Bonn 2001 but the tax collection system remains completely broken down. Though the tax laws are in existence there is no proper enforcement where government can collect its revenue in the country.

### 6. Presidential Election 2009, Democracy and Legitimacy

The first cracks in the exercise of statebuilding appeared in the presidential election of 2009 which was marked in contrast with 2004 presidential election. The first problem to arise was the date of the election. The controversy over the date that should have been in May 2009 was postponed by IEC as a result of the resurgent of Taliban terrorist activities and the security risk. The IEC therefore fixed the election date to August 20\(^{th}\) 2009 few months after the expiry of the term of President Karzai though constitutionally it should have been 60 days before the end of the term since President was elected for a five year term. Afghan Supreme Court extended President Karzai’s

term until a new leader got elected. The next issue that was raised was that all the refugees in Pakistan and Iran were facilitated to vote in the 2004 election and in 2009 IEC failed to make that arrangement citing lack of funding as a reason. The new constitution clarified that the candidate who would win should have more than 50% of the vote. Hence the absence of the refugee vote would make an impact on the outcome.

Independent Election Commission (IEC) noted that 17 million voter registration. The major political parties among the many were: the National United Front of Afghanistan (UNF); National Democratic Front (NDF); Payman-e-Kabul comprising former Leftist and Maoist groups and the Afghan Social Democratic Party (Afghan Mellat). It may be correct to assume that the main objective of the most of these parties were to strengthen the democracy. According to IEC there were 44 candidates. The top two Presidential candidates were Hamid Karzai and Dr. Abdullah Abdullah.

When the votes were counted both Karzai and Abdullah claimed victory of having obtained 50% of the vote. There were allegations and counter allegations on vote rigging, fake polling stations where no one voted and fraudulent activities. As a result a serious crisis developed and with allegations and complaints the international actors had no option but to get involved to avert a disaster in Afghanistan’s new found democracy. Hot line diplomacy between Washington and Afghanistan, London and Afghanistan and visits by US, French top diplomats to Afghanistan met the two leaders and at the end it was decided to conduct a run-off again in November due to proved fraudulent conduct.

On 1 November, Dr. Abdullah withdrew from the run-off leading to IEC cancellation of the run-off and Hamid Karzai was declared the President of the Afghanistan for the second time. Abdullah's announcement threw the election into disarray, with some analysts describing the situation as “a shocking failure” of efforts

48 Ibid., p. 59.
49 Ibid., p. 60.
by the west and other international communities to build a democracy in Afghanistan.\textsuperscript{50} Going from worse to worse the Parliamentary election in the following year also witnessed fraud and irregularity crisis. President Karzai has insisted that he will not run again for presidency in 2014.

7. Regional Actors

Afghanistan, a South Asian nation shares borders with China, Iran, Pakistan, Tajikistan, Turkmenistan, Uzbekistan and Jammu and Kashmir controlled by Pakistan. These neighbours together with Russia and US became known as the six plus two who started informal discussions on future of Afghanistan initially.

Afghanistan’s location at the crossroads of South Asian, Central Asian and Persian Gulf states creates an opportunity for it to be the land bridge between these areas, with immense opportunity for trade, transit and regional economic cooperation in energy, railways, trucking and water management. If more attention is paid to agriculture Afghanistan can easily produce the grain for the region, producing food for Pakistan, India, and the Middle East, all of which face shortfalls in food production. Afghanistan could also be a source for rare minerals for Central and South Asia, as well as oil and gas.

The regional actors are aware of the potential of Afghanistan. Each wants to play a major role in the statebuilding activities in that country, and for each one of them with the exception of Iran and China peace in Afghanistan is closely linked to the political stability in their respective countries. To Iran the status of Shia Muslims is of deep concern and the drug economy in Afghanistan is creating a social problem in Iran. This paper will focus on two main regional actors who have bigger stakes than others in the statebuilding leading to peacebuilding in Afghanistan because of religious and

\textsuperscript{50} Hamid Karzai declared winner of Afghanistan’s presidential election. See the following website http://www.guardian.co.uk/world/2009/nov/02/hamid-karzai-afghanistan-winner-election (accessed on 4th March, 2012).
geographical concerns.

The first is Pakistan who shares the longest border of 2430 kilometers with Afghanistan along most the difficult terrains. It also has disputed border line Durrand (never accepted by the Afghans) established by the British. This de-facto border is a main concern to Pakistan and it therefore wants a friendly government in Afghanistan because a hostile government will resurrect the dispute. The Afghan Pushtuns the majority ethnic group in Afghanistan live on either side of the border sharing the same origins and other commonalities including language with the kin in Pakistan. Though not in the immediate horizon but there is a concern regarding Pushtunistan, in this autonomous tribal belt. Baluchs are another ethnic group present in both countries. During Afghanistan’s long wars around 5 million Afghan refugees flocked into Pakistan.\(^{52}\)

The majority of the people in Pakistan and Afghanistan are Sunni Muslim with sizeable Shia minorities. Yet, Pakistan’s government policy towards Afghanistan does not rest on the above factors. Rather on the issue of Afghanistan’s relations with its traditional enemy India. Hence Pakistan works towards thwarting the establishment of any government in Afghanistan that would align with India.

Pakistan is one of the only three countries that formally accepted the Taliban government. When US declared war on terror and attacked Afghanistan, Pakistan, the long standing military ally of US in South Asia supported the cause and helped to carry out attacks against the terrorists in Afghanistan. In 2004, Pakistan was named as the major non- NATO ally of the ISAF. Up to now Pakistan has provided the ISAF with vital supply routes and bases in Pakistan.

The mutual distrust between the elected civilian government in office (the first in its history to serve a full 5 year term if it survives until next year) and the Pakistan’s Army together with the actions of Pakistan’s inter-services intelligence of Pakistan


(ISI) has contributed to the governments unpopularity at home as well as deteriorating relations between Pakistan and the US. When Osama Bin Laden was captured the Pakistani Taliban and the extremists were bent on overthrowing the government on accusation of providing intelligence. On the other hand the US Navy seal raid was kept a secret from the Pakistan government by the US. That he was captured close to an elite military academy in Abbottabad was not easily shrugged off. The wiki leaks in February 2012 pointed out that Pakistan Army knew of Bin Laden’s home. Further US also believe that the Tailban’s most senior leader, Quetta Shura is based in Pakistan. The mistrust between the former strategic allies deepened as a result of several incidents including the calling by Chairman of the American joint chief of staff, the Haqqani network the veritable arm of ISI, diplomatic immunity insisted by US on Raymond Davis case and the most recent of all the killing of 24 Pakistan soldiers in what NATO described as an accident in November 2011.53

At present the relations between the two countries remain extremely strained sabotaging the peacebuilding in Afghanistan. So far Pakistan and Afghanistan are collaborating in persuading the insurgents to accept peace through reconciliatory process. Pakistan showed willingness to act as a broker in a deal between Karzai government and the Taliban and also took up the task of becoming a intermediary by bridging differences between Haqqani network and Karzai government, though Pakistani officials are reluctant to discuss the matter in detail but some preliminary contacts had been established.54 For both countries a regional and accommodating approach is essential for promoting and realizing potential friendly relations.

Next important regional actor in the case of statebuilding for peace in Afghanistan is Iran which shares a border of 936 kilometers long, the next longest border to Pakistan. Iran has largest Shia Muslim populations in the world and has close historical, cultural and linguistic and ethnic links with Afghans. It is very much concerned about the Shia Muslims in Afghanistan. As much as Pakistan would like to

have Pushtuns in power Iran would prefer to keep them out of the power for strategic and political reasons. The biggest fear Iran has is the religious and financial influence over the Pushtuns by Saudi Arabia. Unlike Pakistan, Iran never recognized the legitimacy of the Taliban. During the turmoil Iran received nearly 2 million refugees from Afghanistan.

In late 1990’s Iran participated in the six plus two UN initiated forums together with US and pledged support to the US during the operation Enduring Freedom, helping the coalition forces to defeat the Taliban. Having played a key role in Bonn 2001 Iran was very quick to move into statebuilding in Afghanistan enjoying a trade volume of more than $1.3 billion between the two countries. Iranian aid for statebuilding in Afghanistan is more than $280 million and a further $100 is reserved for building a university in Kabul and its presence and strong influence is very much visible in the Heart province of Afghanistan.\(^\text{55}\) Iran’s future plans in Afghanistan also include competing for the energy corridor to Pakistan, India and China for Turkmenistan’s natural gas with the west.

Iran’s relations with US similar to that of US relations with Pakistan deteriorated during Afghan statebuilding process. Unlike with Pakistan Iran’s relations political fallout began as early as January 2002 when President George W. Bush in his famous ‘axis of evil’ declaration in his State of the Union address condemned Iran (together with Iraq and North Korea) as sponsors of terrorism. The fallout made Iran more determined in its role in Afghanistan.

According to Stephen Carter Iran’s interests and concerns in Afghanistan can be pointed in six main areas.\(^\text{56}\) The first is deepening and broadening its influence in Afghanistan so that Iran attains degree of security against perceived threats to its economy and political interests. It sought to cultivate allies in the central government as well as its long term allies by sending aid and donations of good for various projects.

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Thus Iran is able to influence domestic affairs through local political and religious leadership. It is also alleged that Iran provided arms and weapons to them in the post-Taliban era.

Secondly Iran wanted to establish trade and investment since Afghanistan would provide good economic opportunities for Iran. Iran benefits including Afghanistan in the international north south transit corridor, a route used by India, the central Arab republics and Russia for trade.\footnote{Ibid., p. 983.}

A third concern Iran has is the huge number of Afghan refugees, nearing one million registered and a similar number of unregistered in its soil. It wants to solve the refugee problem as quickly as possible since they create a huge strain on Iran’s economy and started deporting them back process soon after Bonn 2001.

The fourth area is the production and trade of Afghanistan’s opium of which a sizeable portion ends up in Iran. Therefore many in Iran have become drug users and addicts. The drug smuggling and border security together with the social problem of drug addiction of Iranians has created a great concern to Iranian officials.\footnote{Ibid., p. 984.} Sunni militancy is the fifth concern to Iran which is fundamentally opposed to that if Iran’s version of militant Islam. Iran found the medieval brutalities of Taliban unacceptable.

Final and the sixth concern is its Iran perception of its rightful role in the Persian Gulf is challenged by the NATO presence in Afghanistan. Iranian President Ahmadinejad blamed extremism in Afghanistan due to the presence of foreigners and that Afghanistan’s problems should be solved by regional solutions.\footnote{Humera Iqbal, “Afghan Polls: Implication for the Region,” p. 76.} To this end Iran hosted and participated in several summits organized for the three crucial regional states of Afghanistan, Pakistan and Iran where the three have agreed on western forces withdrawal. At the Istanbul conference in 2011 Iran together with other Afghanistan’s immediate neighbours voiced their reservations over US plans to establish permanent military bases in the country and a “new regional mechanism” for the Afghan endgame. Pakistan, China, Russia and Iran joined to oppose the US plans to maintain a military
presence in beyond 2014.\footnote{Express Tribune, November 3, 2011.}

It remains to be seen the development of closer relations between Afghanistan and Iran in the face of critical issue that confronts the international community at present of Iran’s nuclear weapons program. Though Pakistan feels that Karzai turned more towards the western allies in the statebuilding efforts and was nervous of Indian investment in Afghanistan and close links that developed between Karzai government and India, it is certain of its hold over Afghanistan through the majority Sunni Islam religious ties and tribal culture.

8. Conclusion

The work designed at Bonn 2001 began with great hopes for South Asia. There were many hopefuls, mostly the regional actors who thought of riches of Afghanistan to be explored, natural gas, minerals, agriculture to help their economies and development process in an atmosphere of stable peace. India the largest democracy in the world, a major power since 1990’s welcome a another a democratic government in its midst where it plays a central role in South Asian affairs. The South Asian Regional Association welcomed Afghanistan in 2007 as a member who would contribute to the objectives of regional development.

For the western allies, the success of war on terror looked promising for domestic security. They all began the endeavour by committing large amounts of aid with great hopes in one of the biggest statebuilding exercises in the history with \$286.4 billion investment by 2010.\footnote{“Afghanistan: Tracking Major Resource Flows 2002-2010, International Investments in Afghanistan,” available at http://www.globalhumanitarianassistance.org/wp-content/uploads/2011/02/gha-Afghanistan-2011-major-resource-flows.pdf (accessed on 4th March, 2012)} External assistance became the main source of income in post-Taliban Afghanistan. In the exercise of Afghan nationally led statebuilding with great hopes of world peace all donors ventured into Afghanistan with little or no
understanding of its culture, traditions and tribal set up. The large scale corruption at almost all levels of government, the tribal rivalries, militia groups, war lords and the hundred years old opium economy were the challenges they did not easily understood. The research studies on those subjects came few years after. For example, Japan with its culture of hard working and honest practices in the public service did not understand the corrupt officials, bribing, balancing of local leaders, working in the remotest areas with no proper law enforcement.

The development goals of education, health sector reforms, establishing democratic form of government all were readily welcomed by Afghan people. Asia Foundation surveys show that media freedom, the television, has now become a part of life. Women became free once again to access education, policy making and in government.

Therefore why there has been a rise of the insurgents, mid way through the exercise is question that is difficult to answer. Is it that the Afghan themselves were not genuine in their quest for peace, or is the dilemma lies with the framework of the statebuilding exercise, UN light footprint approach. Or was it a case of fundamentalist ideology more powerful than need for democratic transition hence insurgency directed at western forces. Also country’s center versus periphery relations is a challenge to overcome in Afghan development goals. Would the weak central government would be able to control its provinces especially after the western funding dries out.

In the light of NATO exit planned for 2014 the Bonn 2011 conference was held. By this time regional actors had met and discussed on the future of Afghanistan after 2014. Yet by Bonn 2011 the strained relations between US and Pakistan leading to the boycott by Pakistan did not argue well for future. Similarly the US led UN sanctions against Iran triggered what is normally a strained relations of US and Iran further. Both Iran and Pakistan supported the western allies in the statebuilding program in Afghanistan but at the same time they who have also hindered establishing security and peace in that country. They are the key regional actors influencing Afghans with their strong historical, cultural and religious ties.

It is important to establish sincerity of the regional actors in statebuilding in
Afghanistan where both Iran and Pakistan wants friendly governments in power. But does this means Pakistan’s preference of southern Pashtuns, and Iran the Northern Alliance of Shia Muslims can be accommodated? It is inevitable that both countries will continue to support the local tribal leaders and war lords sympathetic to them. If so further conflict is inevitable and peace will be hard to establish. In the statebuilding exercise of sustainable peace the regional players continue to play an important role in Afghanistan. Apart from the above two, China and India are also major players in regional security context. Hence in recent tension that has developed between the regional actors and the NATO as well as among the regional actors does not speak well for the future. The hasty exit of the NATO will bring calamity.